

CHAPTER 1258
AMOUNT IN CONTROVERSY

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE
IN THE IOWA RULES OF
APPELLATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: THE HONORABLE AL STURGEON, CHAIR OF THE SENATE JUDICIARY
COMMITTEE OF THE 1991 REGULAR SESSION OF THE SEVENTY-FOURTH
GENERAL ASSEMBLY OF THE STATE OF IOWA.

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports on this date to the Chair of the Senate Judiciary Committee concerning an amendment to Iowa Rule of Appellate Procedure 3 as shown in the attached Exhibit "A".

Pursuant to Iowa Code section 602.4202(2), this change is to take effect January 2, 1992.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin

ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa
October 11, 1991

ACKNOWLEDGMENT

I, the undersigned, Chair of the Senate Judiciary Committee hereby acknowledge delivery to me on the 24th day of October, 1991, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

/s/ Al Sturgeon

Chair of the Senate Judiciary Committee

EXHIBIT "A"

Rule 3. Amount in controversy. Except where the action involves an interest in real estate, no appeal shall be taken in any case, not originally tried as a small claim, where the amount in controversy, as shown by the pleadings, is less than ~~three~~ five thousand dollars unless the supreme court or a justice thereof certifies that the cause is one in which appeal should be

allowed. An application to certify an appeal shall comply with ~~rule 16“b,”~~ Iowa Rules of Appellate Procedure 16(b), be filed with the clerk of the supreme court and served pursuant to ~~rule 30,~~ Iowa Rules of Appellate Procedure 30, and, unless otherwise ordered by the supreme court or a justice or the clerk thereof, may be resisted and will be ruled upon pursuant to ~~rules 22“c” and 22“d,”~~ Iowa Rules of Appellate Procedure 22(c) and (d). The right of appeal is not affected by any remission of any part of the verdict or judgment. An action originally tried as a small claim may be reviewed by the supreme court only as provided in Iowa Code section 631.16 and ~~rules 201 to 203,~~ Iowa Rules of Appellate Procedure 201 to 203.